

Exhibit C

**COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT
(CALEA)
INITIATIVES**

**Presentation to
Personal Communications Industry Association (PCIA)**

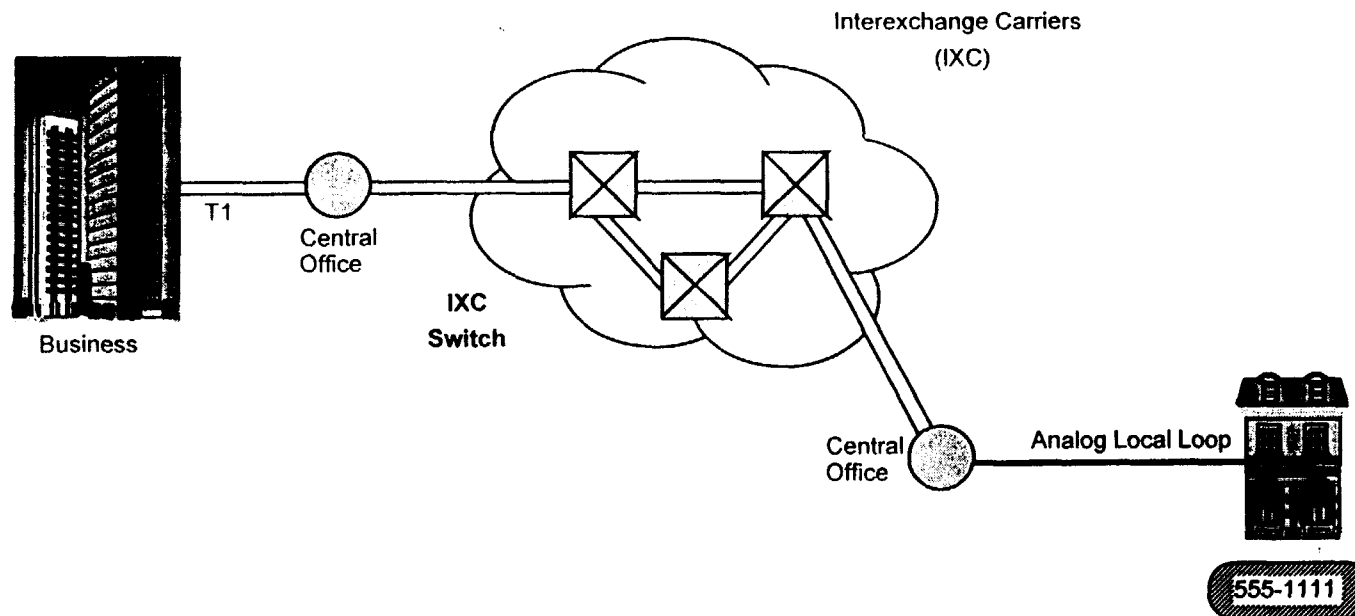
**Telecommunications Industry Liaison Unit
Alexandria, VA**

JULY 23, 1996

TILU

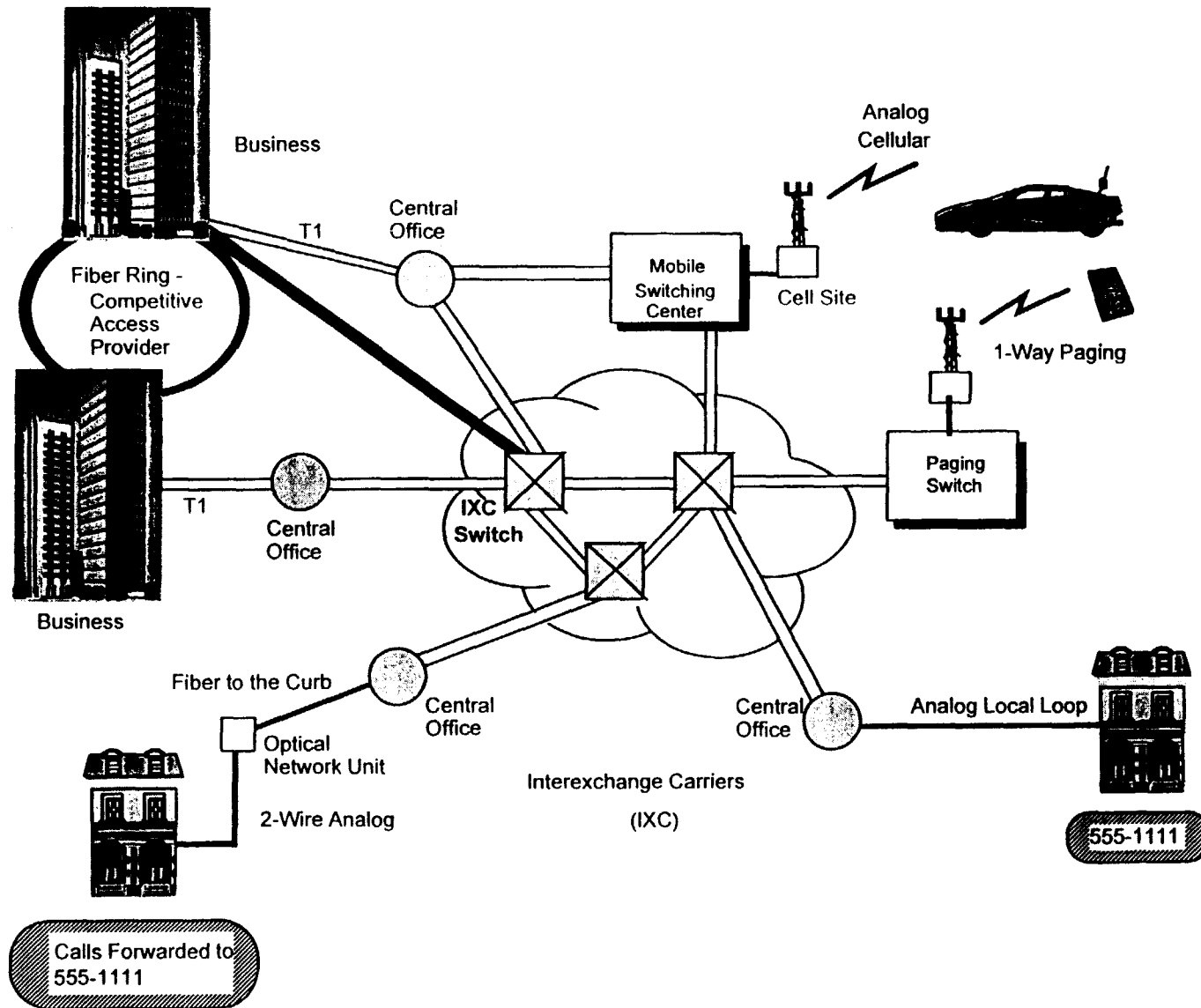
Effects of Technology...

THE EARLY TELECOMMUNICATIONS ENVIRONMENT OFFERED SOME CHALLENGES TO LAW ENFORCEMENT'S ABILITY TO PERFORM ELECTRONIC SURVEILLANCE



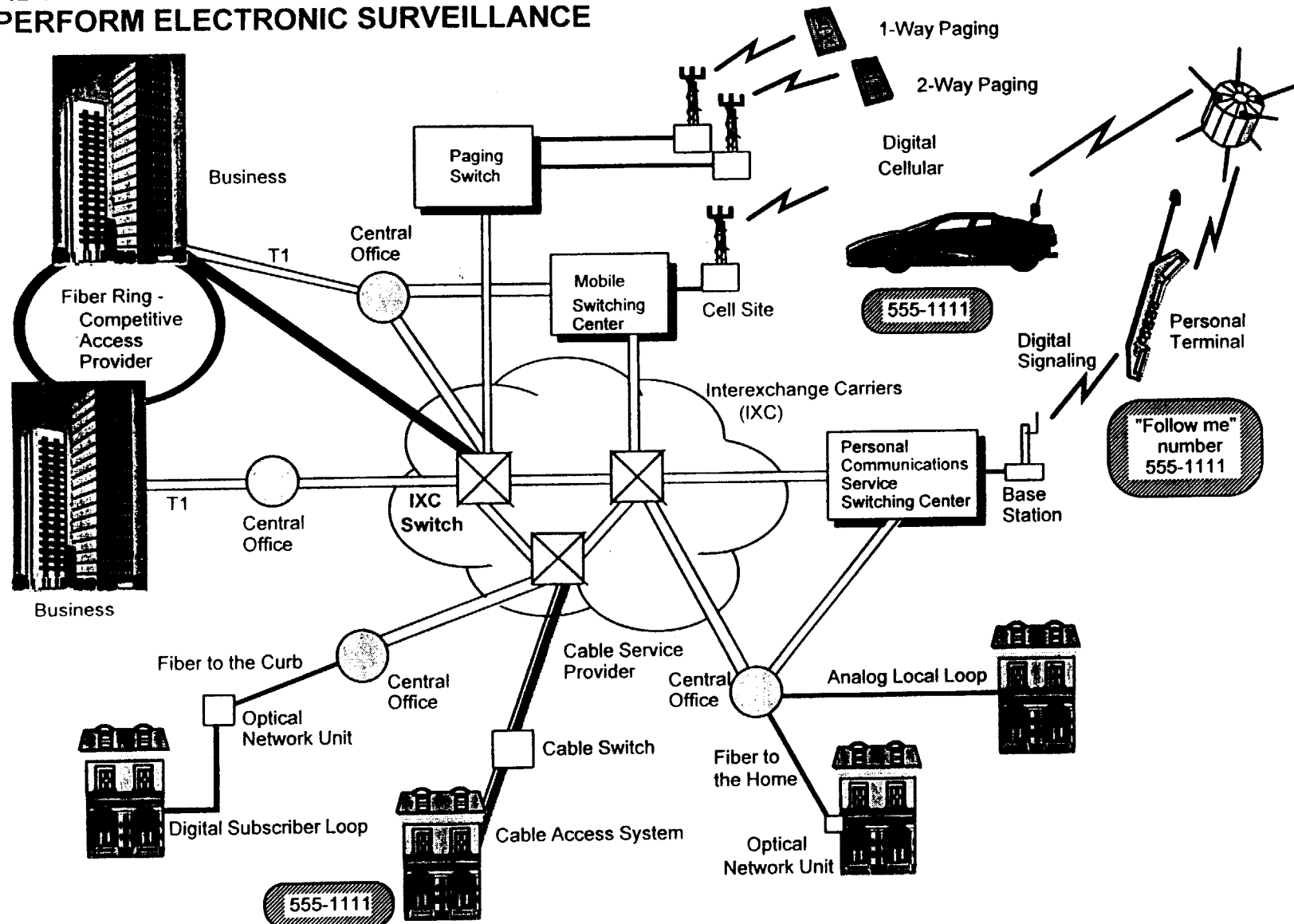
Effects of Technology...

PRESENT DAY TECHNOLOGY IS AFFECTING LAW ENFORCEMENT'S ABILITY TO PERFORM ELECTRONIC SURVEILLANCE



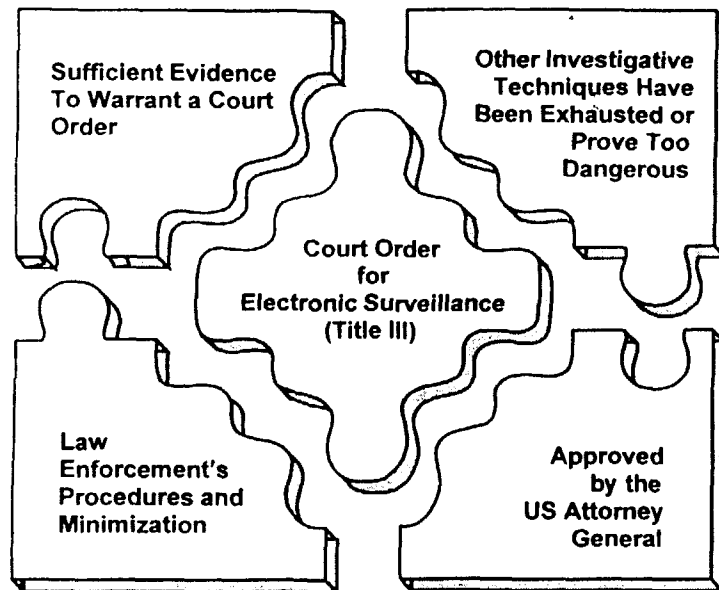
Effects of Technology...

ADVANCES IN TECHNOLOGY ARE AFFECTING LAW ENFORCEMENT'S ABILITY TO PERFORM ELECTRONIC SURVEILLANCE



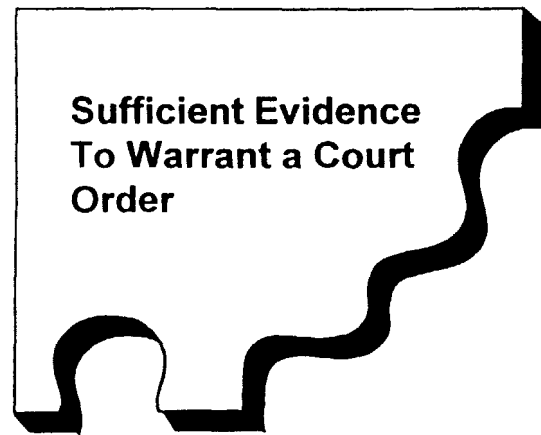
Procedures...

SPECIFIC STEPS MUST OCCUR PRIOR TO OBTAINING COURT AUTHORIZATION FOR ELECTRONIC SURVEILLANCE



- **Sufficient Evidence must Exist To Warrant Court Authorized Surveillance**
- **Other Investigative Techniques Must Have Been Exhausted or Prove Too Dangerous**
- **Applications Are Approved by the Attorney General Prior to Submission to a Court**
- **Approved Applications Are Submitted to a Court for Review, Approval, and Issuance of a Court Order**

**SUFFICIENT EVIDENCE MUST EXIST TO WARRANT COURT AUTHORIZED
SURVEILLANCE**



- **Probable Cause for the Order Must Be Established**
 - **Probable Cause Exists Where the Facts and Circumstances Would Warrant a Person of Reasonable Caution To Believe That an Offense Was or Is Being Committed.**
 - **Electronic Communications Are Being Used in Furtherance of the Offense**
- **Probable Cause Must Be "Fresh"**

Procedures...Techniques...

OTHER INVESTIGATIVE TECHNIQUES MUST HAVE BEEN EXHAUSTED OR PROVE TOO DANGEROUS

- **Probable Cause Alone Is Not Sufficient To Allow for the Issuance of a Court Order**
- **Traditional Investigative Techniques Available to Law Enforcement Include Witness Interviews, Physical Surveillance, Informant Interviews, and Toll Record Analysis**
- **Traditional Techniques May Not Always Be Feasible (Undercover Operations)**
- **Electronic Surveillance Is a Tool of Last Resort**



**Other Investigative
Techniques Have
Been Exhausted or
Prove Too
Dangerous**

Procedures...Approval...

APPLICATIONS ARE APPROVED BY DESIGNATED SENIOR OFFICIALS WITHIN DOJ AND ARE SUBMITTED TO A COURT FOR REVIEW, APPROVAL, AND ISSUANCE OF A COURT ORDER

- **An Application Requires a Number of Specific Elements**
 - **The Identity of the Requesting Law Enforcement Officer**
 - **The Statement of Probable Cause**
 - **An Identification of the Offense and the Intended Subjects (if Known)**
 - **A Description of the Communications Sought and the Nature and Location of the Communication Facilities**
 - **A Discussion of Why Other Techniques Are Ineffective or Too Dangerous**
 - **The Time Period**
 - **The Identification of Other Applications Submitted for the Subject, Facility, or Location**
- **Each Application Is Written and Submitted Under Oath or Affirmation**
- **Numerous Review Processes Are in Place for Applications That Include Review and Approval by Designated Senior Officials within DOJ Prior to Submission to a Court**



**Approved by
Designated
Senior
Officials
Within DOJ**

Procedures...Minimization...

**ADDITIONAL LAW ENFORCEMENT PROCEDURES AND MINIMIZATION PRACTICES
APPLY WHEN THE ORDER IS IN EFFECT**

- **The Court Issues a Secondary Order Directing the Service Provider to Provide Assistance**
- **Restrictions Are Placed on Which Officers Can Monitor the Communications**
- **An Evaluation of the Relevance of a Communication Occurs in Real-Time**
 - **Communications Not Pertinent to the Investigation Must Be Minimized and Not Intercepted**
- **Chain of Custody Must Be Maintained**
 - **All Recordings of Intercepted Communications Must Be Sealed by the Court**



**Law
Enforcement's
Procedures and
Minimization**

Legislation...

**COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT (CALEA)
(PUBLIC LAW 103-414)**

- **Provisions of P.L. 103-414 Amend Existing Laws To Clarify a Telecommunications Carrier's Responsibility To Assist Law Enforcement**
- **CALEA Consists of Three Titles**
 - **Title I "Communications Assistance for Law Enforcement"**
 - **Title II Amendments to Title 18 U.S.C.**
 - **Title III Amendments to the Communications Act of 1934**
 - » **Establishes Systems Security and Integrity Rules**
 - » **Establishes Cost Recovery Rules**
 - » **Establishes a Federal State Joint Board To Recommend Appropriate Changes to FCC Cost Recovery Rules**

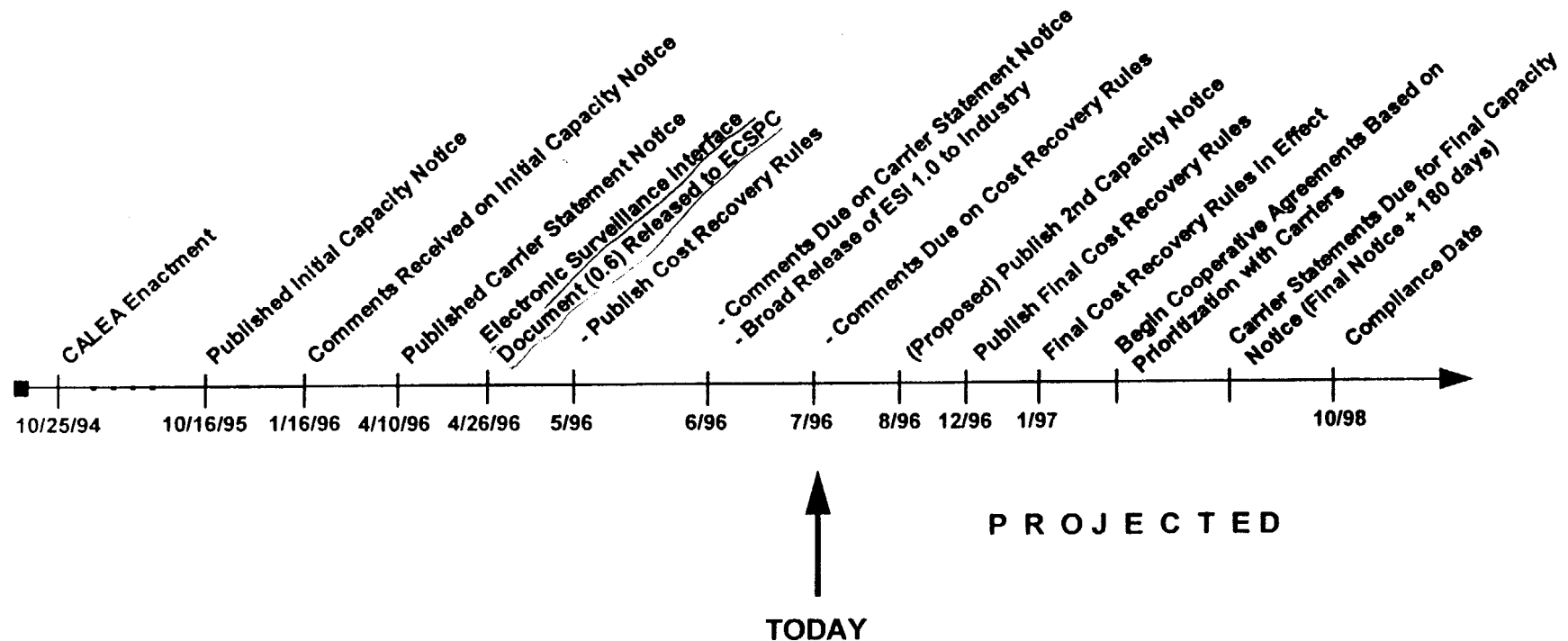
Title I...

**THE PROVISIONS OF TITLE I DESCRIBE THE REQUIREMENTS FOR ASSISTANCE,
RESPONSIBILITIES, AND FUNDING**

Section	Title
101	Short Title
102	Definitions
103	Assistance Capability Requirements
104	Notices of Maximum and Actual Capacity
105	Systems Security and Integrity
106	Cooperation of Equipment Manufacturers and Providers of Telecom Support Services
107	Technical Requirements and Standards: Extension of Compliance Date (Safe Harbor)
108	Enforcement Orders
109	Payment of Costs to Telecommunications Carriers To Comply with Capability Requirements
110	Authorization of Appropriations
111	Effective Date
112	Reports

MANAGEMENT STRUCTURE

THE THREE KEY CALEA IMPLEMENTATION ACTIVITIES ON THE TIMELINE ARE CAPACITY,
COST RECOVERY, AND CONSULTATIVE PROCESS ACTIVITIES



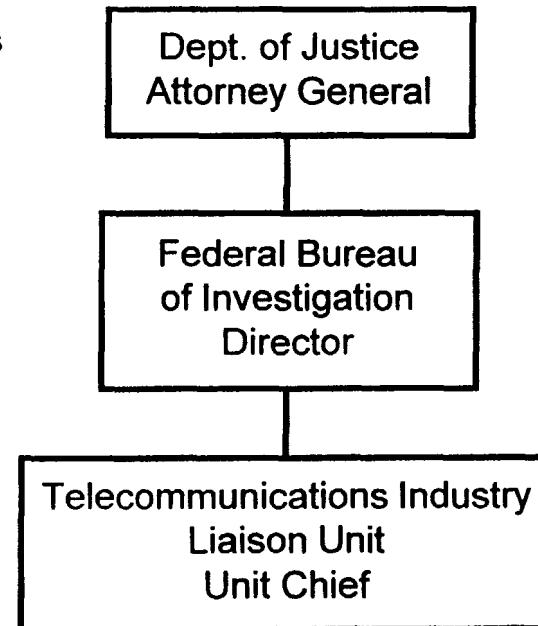
■ MAJOR CALEA MILESTONES

TILU

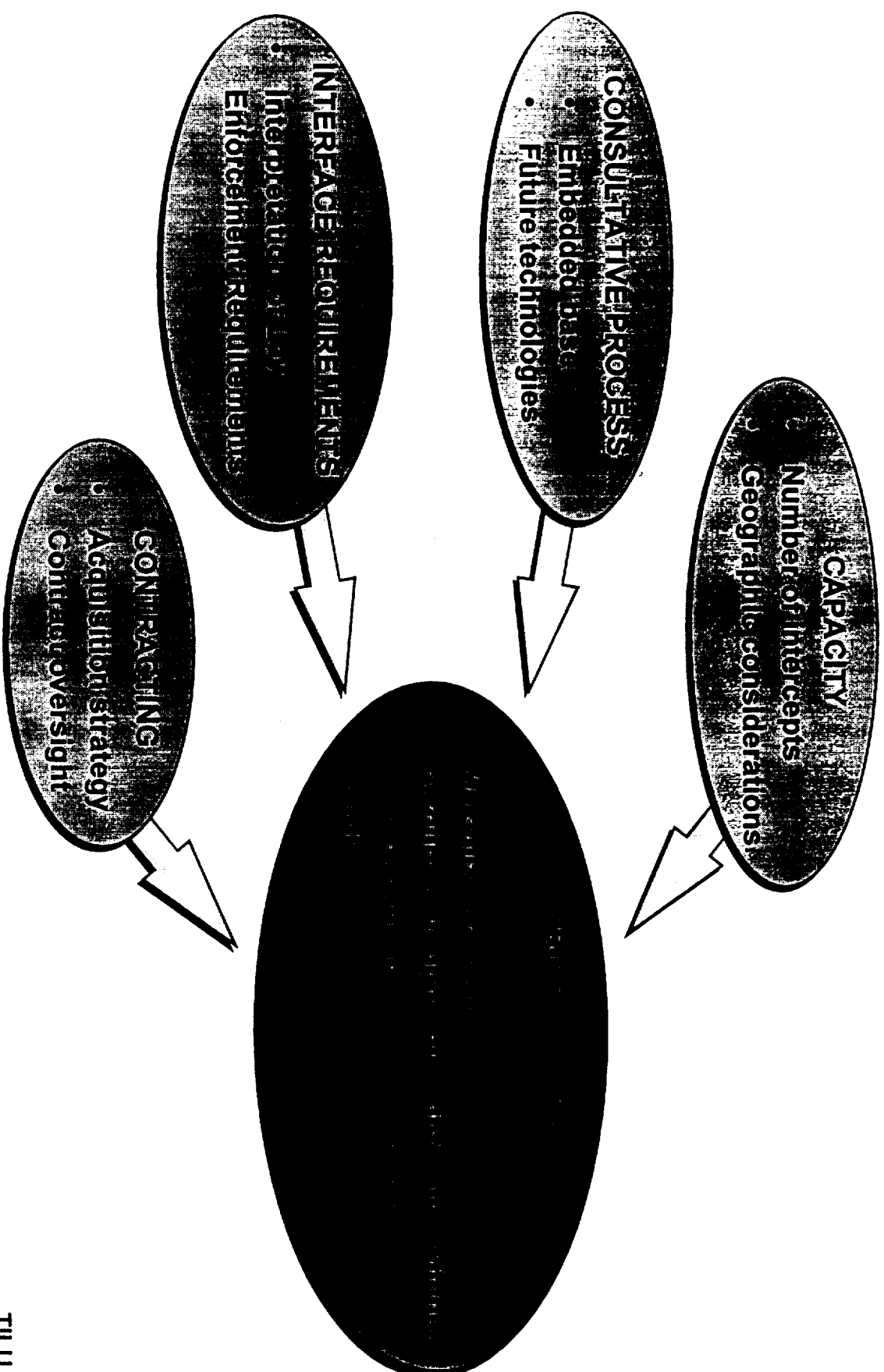
TILU Overview...

TILU WAS CREATED TO FACILITATE THE IMPLEMENTATION OF THE ACT BY WORKING CLOSELY WITH GOVERNMENT AND INDUSTRY GROUPS

- **The FBI Has Established the Telecommunications Industry Liaison Unit (TILU) To Focus on the Act's Implementation**
- **TILU's Responsibilities Include:**
 - **Developing Capacity Requirements**
 - **Interfacing With Industry Organizations**
 - » Telecommunications Carriers
 - » Manufacturers
 - » Support Services Providers
 - **Interfacing With Regulatory and Law Enforcement Organizations**

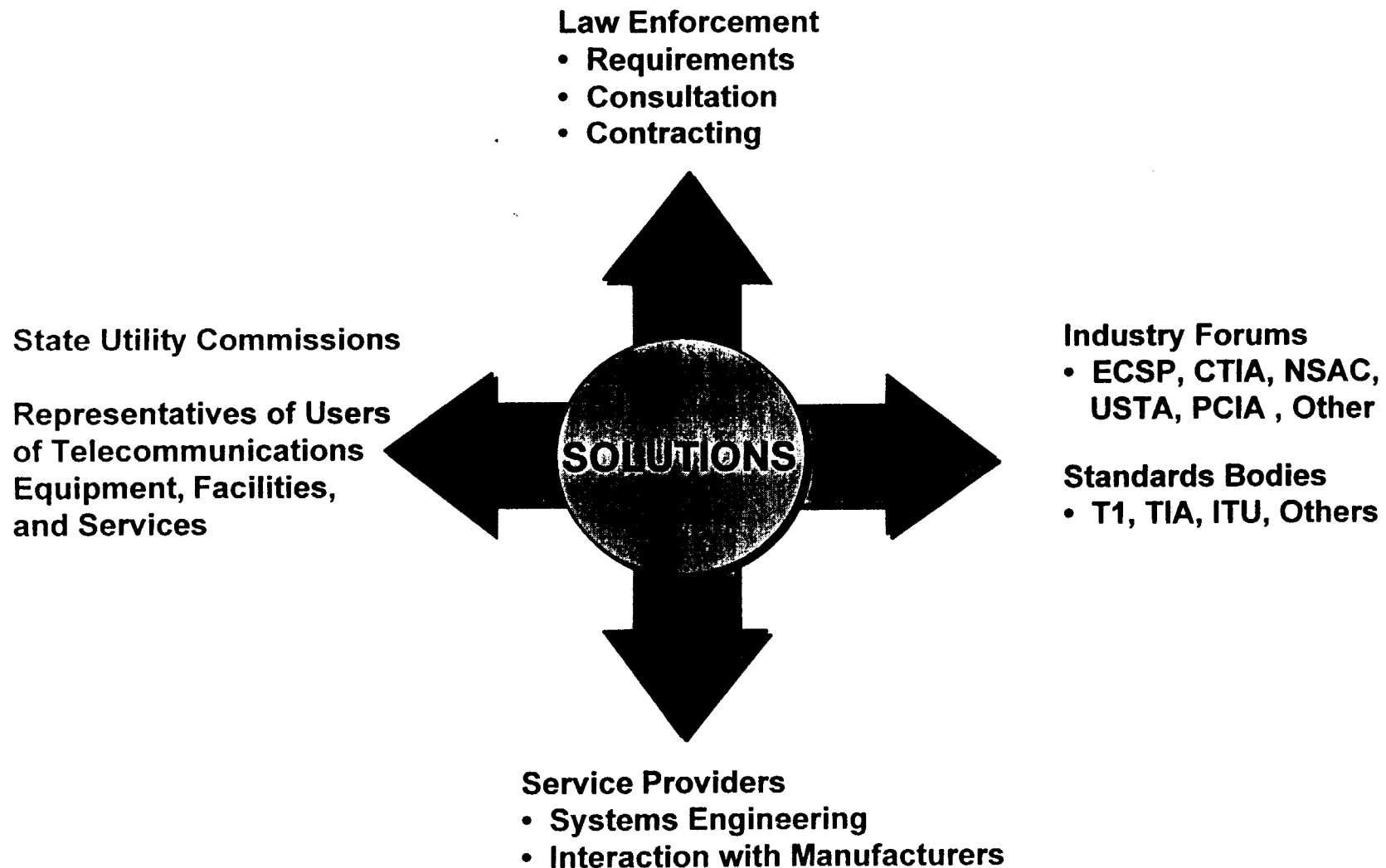


NEAR TERM TILU ACTIVITY



TILU

PROVISIONS IN THE LEGISLATION CALL FOR A CONSULTATIVE PROCESS TO ENSURE INDUSTRY-WIDE IMPLEMENTATION OF REQUIREMENTS



SPECIFIC PROVISIONS IN CALEA IDENTIFY RULES, PROCEDURES, AND RESPONSIBILITIES TO ENSURE IMPLEMENTATION

Service Provider	Intermediate Carrier	Carrier	Access Provider
<ul style="list-style-type: none"> • Meet the Capability Requirements • Submit a "Carrier Statement" • Identify Security Procedures To Comply with FCC Rules • Participate in the Consultative Process 	<ul style="list-style-type: none"> • Make Features or Modifications Available to Carriers on a Timely Basis at a Reasonable Charge • Participate in the Consultative Process 	<ul style="list-style-type: none"> • Establish Rules To Implement the Security Requirements • Rule on Petitions Related to Standards, Cost, Reasonableness, and Requests for Extension • Rule on Petitions Related to Carriers' Requests for Cost Recovery 	<ul style="list-style-type: none"> • Notify Industry of Actual and Maximum Capacities • Support Activities of a Consultative Process • Establish Regulations to Provide for Payment to Industry

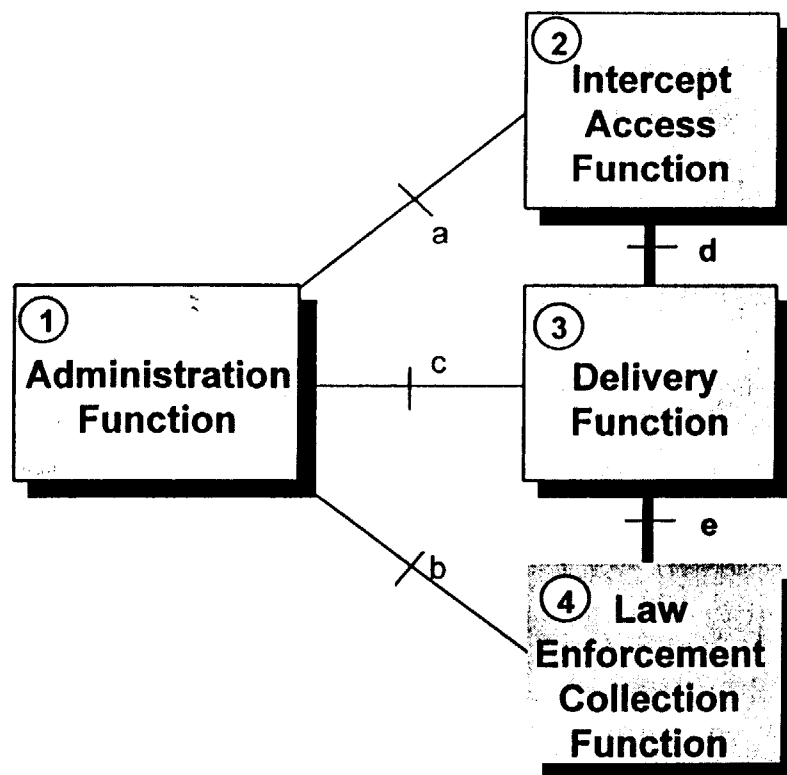
Requirements...

LAW ENFORCEMENT REQUIREMENTS FOR THE SURVEILLANCE OF ELECTRONIC COMMUNICATIONS

- **The requirements are grouped into four categories:**
 - **Communications Access**
 - » **Access to Call-identifying Information**
 - » **Real-time, Full-time Monitoring**
 - » **Simultaneous Interceptions**
 - » **Expeditious Access**
 - **Verification of Intercepted Communications and Subscriber Information**
 - **Delivery of Intercepted Communications**
 - » **Transmission**
 - » **Reliability**
 - » **Quality**
 - **Transparency of the Interception**

Interface Requirements...

Functional Surveillance Model



Requirements...

TILU IS ATTENDING WIRELESS STANDARDS MEETINGS TO DISCUSS LAW ENFORCEMENT REQUIREMENTS AND DEVELOP STANDARDS FOR AN INTERCEPT ACCESS SERVICE

- **TR45:**
 - Established an Electronic Surveillance AdHoc Group to develop cellular standards for supporting lawfully authorized electronic surveillance capability
 - Developing a proposed Lawfully Authorized Electronic Surveillance Stage 1 Description
 - Working to develop Stage 2 and Stage 3 descriptions
- **TR46:**
 - Incorporated an Intercept Access Service description into existing Service Description Standard
 - Established two AdHoc Groups to work with TR45 to develop a single wireless standard for supporting lawfully authorized electronic surveillance capability
 - Developing a Technical Service Bulletin (TSB) to identify intercept requirements for DCS 1900 based systems
- **T1P1:**
 - Accepted ECSP Committee contribution describing an intercept access service and developing a Stage 1 description that complements existing basic processes documentation
 - Identifying when an intercept should be activated and how information will be delivered to a law enforcement monitoring site for incorporation into Stage 2 and Stage 3 descriptions

**SECTION 104 OF CALEA REQUIRES THE AG TO PUBLISH NOTICE OF ACTUAL AND
MAXIMUM CAPACITY REQUIREMENTS**

- **CALEA calls for a Public Notice and Comment Process through the Federal Register**
- **The Initial Notice was issued October 16, 1995 — Comments were due on January 16, 1996**
- **Second Notice of Capacity will be issued 3rd Quarter 1996 with Final Notice of Capacity published after comment period**

NOTICES OF MAXIMUM AND ACTUAL CAPACITY

- **The Attorney General Must Publish Notices of the “Actual” and “Maximum” Number of Intercepts, Pens, and Trap Traces the Government Agencies May Conduct and Use Simultaneously**
 - **Actual Capacity** — “notices of the actual number of communications interceptions, pen registers, and trap devices, representing a portion of the maximum capacity that the Attorney General estimates that government agencies authorized to conduct electronic surveillance may conduct and use simultaneously by the date that is 4 years after the date of enactment of the CALEA” (CALEA, section 104 (a) (1) (A)).
 - **Maximum Capacity** — “notices of the maximum capacity required to accommodate all of the communications interceptions, pen registers, and trap and trace devices that the Attorney General estimates that government agencies authorized to conduct electronic surveillance may conduct and use simultaneously after the date that is 4 years after the date of enactment of the CALEA” (CALEA, section 104 (a) (1) (B)).

Paging...

CALEA'S APPLICABILITY TO PAGING SERVICES

- **Based on the FCC's definition of paging service and the type of communication paging utilizes, CALEA applies to paging services**
- **The Electronic Surveillance Interface (ESI) Document states law enforcement requirements for surveillance; while it is not specific to paging, it does apply**
- **The second and final capacity notices are not expected to include capacity requirements for paging services; these requirements will be stated in future capacity notices after further consultation with the paging industry**

Exhibit D